PETITION FOR ZONING VALIANCE 84-203-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B02.3.B (211.4) TO PERMIT A REAR YARD SETBACK OF 14 FT INSTEAD OF THE REQUIRED 30 FT. RE: PETITION FOR VARIANCE SE Corner Neighbors Ave. and of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Sagamore Rd., 14th District: OF BALTIMORE COUNTY JOHN E. CLARK, et ux, 1. NO OTHER LOGICAL PLACE TO RELOCATE PORCH BALTIMORE COUNTY BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE Petitioners 2. ROOF AND FOUNDATION ARE EXISTING, WOULD NOT BE COST EFFICIENT TO BUILD :::::: ENTRY OF APPEARANCE 3. WOULD LIKE AREA TO SIT OUT AND NOT BE BOTHERED BY RAIN AND WIND AND BUGS February 7, 1984 COUNTY OFFICE BUDG. 111 W. Chesabeake Ave. ZONING PLANS Property is to be posted and advertised as prescribed by Zoning Regulations. Please enter the appearance of the People's Counsel in the Mr. & Mrs. John E. Clark I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. above-captioned matter. Notices should be sent of any hearing dates or 1528 Neighbors Avenue Baltimore, Maryland 21237 other proceedings in this matter and of the passage of any preliminary or ADVISORY COMMITTEE RE: Case No. 84-203-A (Item No. 140) Petitioner - John E. Clark, et ux Variance Petition I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. final Order. MEMBERS Dear Mr. & Mrs. Clark: Fhyllis Cole Friedman Department of Triffic Engineering Contract Purchaser: Lega! Owner(s): The Zoning Plans Advisory Committee has reviewed the plans ubmitted with the above referenced petition. Any comments that Phyllis Cole Friedman Bircau of Fire Prevention will be submitted are not intended to indicate the appropriateness People's Counsel for Baltimore County (Type or Print Name) of the zoning action requested, but to assure that all parties are Health Department made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may Keter Hay Tummerman file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Building Department Stard of Education Peter Max Zimmerman At the time of this writing, none of the members of the Committee that had submitted comments had anything informative to say. In view Deputy People's Counsel Rm. 223, Court House of this, those comments were included in the file, but were not for-Towson, MD 21204 494-2188 This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. 1528 NEIGHBORS AVENUE 866-3282 I HEREBY CERTIFY that on this 25th day of January, 1984, a copy of 뮖 ROSEDALE, MARYLAND 21237 the foregoing Entry of Appearance was mailed to Mr. and Mrs. John E. Clark, 1528 Very truly yours, Neighbors Ave., Rosedale, MD 21237, Petitioners; and Patio Enclosures, Inc., Michalas & Commadare Name, address and phone number of legal owner, con-PETITION AND SITE PLAN NICHOLAS B. COMMODARI 200-E Penrod Court, Glen Burnie, MD 21061, which requested notification. Chairman Zoning Plans Advisory Committee Attorney's Telephone No.: 200-E PENROD COURT 760-1919 NBC:mch Address
GLEN BURNIE, MARYLAND 21061
Phone No. EVALUATION COMMENTS ORDERED By The Zoning Commissioner of Baltimore County, this _____ 13th_____ day Phyllis Cole Friedman Enclosures cc: Patio Enclosures, Inc. 200-E Penrod Court County, on the _____ 16th ____ day of February _____, 1984__, at 10:00 o'clock __A__M. the second of th BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Mr. Arnold Jablon, Zoning Commissioner BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550 TO Office of Planning and Zoning Date January 26, 1984 FROM Ian J. Forrest BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 SURJECT Zoning Variance Items STEPHEN E. COLLINS DIRECTOR SUBJECT Zoning Advisory Committee
Meeting of December 13, 1983 Meeting - December 13, 1983 January 12, 1984 HARRY J. PISTEL, P. E. DIRECTOR Item #131 See Comments January 25, 1984 Mr. Arnold Jablon Zoning Commissioner Item #132 See Comments The Baltimore County Department of Health has reviewed County Office Building the following zoning items and does not anticipate any health hazards Towson, Maryland 21204 Item #133 Mr. Armold Jablon at this time regarding these items. See Comments Zoning Commissioner County Office Building Item #134 See Comments Item # 137 - S. L. M. & S. Partnership

Towson, Maryland 21204

Re: Item #140 (1983-1984) Property Owner: John E. & Barbara A. Clark S/E corner Neighbors Ave. and Sagamore Rd. Acres: 85.70/100.75 X 60/75 District: 14th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

General:

Baltimore County highway and utility improvements exist and are not directly

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 140 (1983-1984).

Bureau of Public Services

RAM: EAM: FWR: SS

J-NE Key Sheet 12 NE 20 Pos. Sheet NE 3 E Topo 89 Тах Мар

Item No. 131, 132, 134, 137, 138, 139, (140) 141, 142 ZAC-Meeting of Dec. 13,1983 Property Owner: Location: Existing Zoning: Proposed Zoning:

Acres: District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 131, 132, 134, 137, 138, 139, 140, 141, and 142.

Traffic Engineering Assoc. II

MSF/ccm

Item # 138 - William W. & June K. Clark

Item # 140 - John E. & Barbara Clark

Item # 141 - Charles H. & Lois J. Barrows

Item # 142 - Craig S. & Patricia A. Carroll

Ian J. Forrest, Director

BUREAU OF ENVIRONMENTAL SERVICES

Item # 139 - James C. Swartz

IJF/fth

Glen Burnie, Maryland 21061

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Nicholas Commodari, Zoning Department Date December 15, 1983

See Comments

FROM C. E. Burnban, Chief Plans Review CSB

Item #135 No Comment Item #136 See Comments Item #137 No Comments Item #138 See Comments Item #139 See Comments Item #140 No Comment Item #141 No Comment

Item #89 Revised See Comment

Item #142

JUN 12 1664

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoring Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

and the state of t

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of ______, 19____, that the herein Petition for Variance(s) to permit

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _______ day of February, 1984, that the Petition for Variance to permit a rear yard setback of 14 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following restriction:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Date: 1/5/84

Towson, Maryland - 21204

Mr. Arnold Jablon Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: RE: Item No: 131, 132, 133, 134, 135, 136, 137, 138, 139, (140) 141, & 142. Property Owner: Location: Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours Department of Planning

IN RE: PETITION ZONING VARIANCE * SE/corner of Neighbors Avenue and Sagamore Road (1528 Neigh- * bors Avenue) - 14th Election

District OF BALTIMORE COUNTY John E. Clark, et ux, Case No. 84-203-A Petitioners *

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZONING COMMISSIONER

The Petitioners herein request a variance to permit a rear yard setback of 14 feet instead of the required 30 feet, as more fully described on Petitioners' Exhibit 1. The purpose of the request is to allow an existing above-grade porch to be enclosed.

The Petitioners, by their contractor, Richard Tice, appeared and testified. There were no Protestants.

Testimony indicated that the subject property is zoned D.R.5.5 and is on a corner lot with the house facing Neighbors Avenue. The house was constructed about 1962 with a 12' x 19' screened-in porch attached. The porch has a roof, sits upon a foundation, and is situated 14 feet from the rear property line. The Petitioners wish to enclose the porch for use as a sun room and as a buffer

from the weather. It will not be used as a living area.

The house itself sits 26 feet from the rear property line, 21 feet from a Side property line, 40 feet from Sagamore Avenue, and 30 feet from the front property line. If the porch were placed anywhere else on the property, it would still require a variance. Since the porch roof and foundation will allow for

easy enclosure, there is no other logical place to locate it. The location of the fouse on the site prohibits placement elsewhere. > Mr. Tice presented letters from neighbors to the rear and side of the prop-

erty in support of the proposal. See Petitioners' Exhibits 3 and 4.

The Fetitioners seek relief from Section 1802.3.B (211.4), pursuant to Section 307, of the Baltimore County Zoning Fegulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the retitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area

variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instand variance were not granted. It has been established that the requirement Take Petitioners seek relief from here would unduly restrict the use of the land the to the special conditions unique to this particular parcel. In addition. The variance requested will not be detrimental to the public health, safety, ard general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this fetition held, and for the reasons given above, the variance requested ishead be granted.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO__Zoning_Commissioner_____ Date___ January 20, 1984

Norman E. Gerber, Director FROM Office of Planning and Zoning John E. Clark, et ux SUBJECT___84-203-A

There are no comprehensive planning factors requiring comment on

Norman E. Gerber, Director Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204 825-7310

PAUL H. REINCKE CHIEF

February 14, 1984

Mr. William Hammond Coming Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning P. ans Advisory Committee

RE: Property Owner: John E. and Barbara Clark

Location: SE/Cor. Neighbors Avenue and Sagamore Road Item No.: 140 Zoning Agenda: Meeting of 12/13/83

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

Planning Group Noted and Planning Group Noted and Fire Prevention Bureau Special Inspection Division

DESCRIPTION

Beginning at a point on the Southeast Corner of Neighbors Ave. and Sagamore Road and known as Lot #1, Block D, Section 5 of "Camelot" and recorded among the land records of Baltimore County in Plat Book 28 Filio

Also known as 1528 Neighbors Avenue.

100 12 1×

JUN 12 744

